

BMCW Progress Report

Part 2 of 3

Provisions BMCW Released From
Period January 2006 – June 2006
For Informational Purposes Only



Division of Children and Family Services
Bureau of Milwaukee Child Welfare (BMCW)

August 21, 2006

Please note this information is embargoed (not for public release or publication) until 1:00 pm on August 21, 2006

Prepared by the Bureau of Milwaukee Child Welfare Program Evaluation Managers

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This is Part 2 of the three part BMCW Semi-annual Report

Part 1: Remaining Enforceable Provisions

Part 2: Provisions BMCW Released From

Part 3: Process Indicators and Outcomes

Released Items at a Glance

January – June 2006

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Introduction

As of December 31, 2005, the BMCW reached the conclusion of the third year of operation of the Settlement Agreement between Children's Rights, Inc., on behalf of the plaintiffs, and the Department of Health and Family Services, on behalf of the defendants. The Settlement Agreement, as modified, was approved by Judge Randa on November 14, 2003.

This is a report on the progress of the BMCW for the period of January – June CY 2006. The items discussed in this report, are no longer subject to enforcement, although monitoring will continue until the entire Agreement is terminated.

Consistent with Section V.A of the Agreement, where defendants are in compliance with Article I requirements at the end of Period 3, and have been for the most recent two consecutive six-month intervals, that requirement is no longer subject to enforcement, although monitoring will continue until the entire Agreement is terminated. Plaintiffs and defendants agreed that the following Article I provisions are no longer subject to enforcement because defendants were in compliance with the provisions at the conclusion of Period 3 and for the most recent two consecutive six-month intervals as evidenced by the semi-annual reports prepared by the Program Evaluation Managers:

- §I.B.1. Negotiation with Milwaukee District Attorney
- §I.B.3. Belated Compliance with Adoption and Safe Family Act Requirements
- §I.C.2. Timeliness of processing referrals to independent investigator
- §I.C.3. Timeliness of making case assignments and completing investigations
- §I.C.4. Timeliness in making determination of independent investigations
- §I.D.3 Contract hold-back for monthly face-to-face contacts
- §I.D.4. Monthly face-to-face contacts
- §I.D.8 Seek increase in foster parent reimbursement rates

Non-enforceable Provisions Included

Permanence

§I.B.3 Adoption and Safe Families Act (Belated ASFA): The BMCW achieved 66% YTD. This section is a cumulative measure: as a child subsequently moves into compliance the measure shows cumulative performance over the course of 12 months.

Children in out-of-home care more than 15 of 22 months without a termination of parental rights previously filed, or an available exception previously documented, shall have a termination of parental rights petition filed on their behalf, or an exception documented in their case file by the end of the period. The percentage was calculated against the baseline of 160 children identified on January 1st, 2006 who were in an out-of-home-care placement more than 15 of the last 22 months and did not have and ASFA exception identified.

Safety

§I.C.2 Timeliness in processing referrals of abuse and neglect to the independent investigation agency: 98% of reports alleging abuse and neglect of a child were referred from BMCW Intake to the independent investigation agency within three business days.

§I.C.3 Timeliness in making case assignments and completing independent investigations: 97% of the reports sent to the independent investigation agency to assign a staff person within three business days of the independent investigation agency's receipt of the referral.

§I.C.4 Timeliness in making determination of the Independent Investigation: The BMCW achieved 100% compared to the requirement that at least 90% of determinations be made within 60 days of receipt of the referral to the independent investigation agency as required by Wisconsin Statue 48.981(3)(c)4.

§I.D.3-4 Face-to-face contact with children in out-of-home care: On average, 97% of the children each month in out-of-home care have had monthly face-to-face contact with their case manager.

Report Format

The following performance data represent the results of the efforts of the Bureau of Milwaukee Child Welfare during January 1, 2006 – June 30, 2006. The data presented in this report relates to the non-enforceable provisions the BMCW and plaintiffs have reached mutual agreement (or have been released) from the provisions.

Most of the data presented in this report has been generated from the electronic Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). To consistently and systematically assess the Agreement outcomes, a process was undertaken to identify which data elements could be generated using the eWiSACWIS system. If changes were required, enhancements to eWiSACWIS were identified. This included the development of a measurement package and software designed to measure many of the Agreement elements. Work continues on managing artifact data and other data validation issues within the eWiSACWIS system. The quality of the data is dependent on complete and accurate data entry by staff, system conversions and system builds/updates. When identified, improvements to the data system are made as soon as possible to improve the accuracy and consistency of reporting.

Permanence

Belated ASFA compliance

I.B.3. *At least the following percentages of children in BMCW custody more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case by the end of the period. The percentage is calculated against the baseline of 160* such children at the beginning of Period 3.*

* The baseline initially provided in the Settlement Agreement was 1,146 children, but has since been modified (November 14, 2003) to provide the actual number of children out of compliance with ASFA as identified at the start of each Period (January 1st).

This section is a cumulative measure – as a child subsequently moves into compliance the measure shows cumulative performance over the course of 12 months.

Monitor Only

Actual Performance January – June 2006: 65.6%

Belated ASFA Compliance

	Children who subsequently achieved compliance with ASFA January – June 2006 (cumulative totals by month)	Baseline (N) (No TPR filed or Exception documented at the beginning of the period)	Point-in-time compliance for period (cumulative percentage)
January – June	105	160	65.6%

Semi-annual and annual performance

	January - June (Cumulative Total)	July - December (Cumulative Total)	End of Year (Cumulative Total)
BMCW Period 1 2003	56%	88%	88%
BMCW Period 2 2004	56%	93%	93%
BMCW Period 3 2005	68%	93%	93%
BMCW CY 2006 (YTD)	66%		

Discussion

Section I.B.3 relates to children in BMCW custody in out-of-home care more than 15 of 22 months without a termination of parental rights petitions previously filed or an available exception previously documented (children later moved into ASFA compliance). This is a cumulative measure, not a year-to-date average, nor an annualized measure. Therefore, as each child subsequently moves into compliance, the performance data show the cumulative total throughout the course of 12 months.

As of January 1, 2006, there were 160 children who were in an out-of-home care placement for more than 15 of 22 months who did not have a termination of parental rights petition previously filed or an available exception previously documented.

To date, 105 of the 160 children have moved “belatedly” into compliance. The data presented in the table below illustrate the different ways children who were not in compliance, subsequently moved into “belated” ASFA compliance.

Reasons for belated ASFA compliance

	How children subsequently moved into compliance N=105	% of 105 children who subsequently moved into compliance
TPR	44	41.9%
Not Best Interest	27	25.7%
Transfer of Guardianship	12	11.4%
Relative	11	10.5%
Reunified	10	9.5%
Other	1	1.0%

Approximately 42% of the children met subsequent compliance by having a Termination of Parental Rights petition filed. Having a TPR petition filed continues to be the most frequent way children have moved “belatedly” into compliance. This appears to again suggest that as a child approaches the 15th of 22 months threshold filing of the Termination of Parental Rights petition was the permanency plan, but it did not meet the 15 of 22 months ASFA window timeline for filing.

Safety

Timeliness of referrals Intake unit to independent investigative agency

I.C.2. *At least the following percentage of reports within the period alleging abuse or neglect of a child in BMCW custody shall be referred to the independent investigation agency for independent investigation within three business days.*

Monitor Only

Actual Performance January – June 2006: 98%

Reports from Intake unit to independent investigation within 3 days

	Jan	Feb	Mar	Apr	May	Jun	YTD
Actual number of reports requiring Independent Investigations during period	38	23	38	27	27	20	173
Number referred to Independent Investigations agency within 3 business days	38	21	36	27	27	20	169
Percentage of reports to Intake referred to independent investigation within 3 days	100%	91%	95%	100%	100%	100%	98%

Semi-annual and annual performance

	January - June	July – December	YTD
BMCW Period 1 2003	99%	100%	99%
BMCW Period 2 2004	99%	99%	99%
BMCW Period 3 2005	98%	99%	99%
BMCW CY 2006 (YTD)	98%		

Between January and June of 2006 there were 173 reports that required an independent investigation. Of that total, 169 (98%) were referred by the BMCW Intake unit to the Independent Investigation contract agency (Community Impact Program) within three business days.

Timeliness of the assignment by independent investigation agency to independent investigator

I.C.3 At least the following percentage of reports referred for independent investigation within the period shall be assigned to an independent investigator by the independent investigation agency within three business days of the independent investigation agency's receipt of the referral from BMCW.

Monitor Only

Actual Performance January – June 2006: 97%

Assignment to investigator within 3 days

	Jan	Feb	Mar	Apr	May	Jun	YTD
Number of referrals to independent investigations agency	38	23	38	27	27	20	173
Number assigned within three business days	38	23	36	26	25	20	168
Percentage of referrals assigned to investigator within 3 days	100%	100%	95%	96%	93%	100%	97%

Semi-annual and annual performance

	January - June	July - December	YTD
BMCW Period 1 2003	98%	100%	99%
BMCW Period 2 2004	99%	100%	99%
BMCW Period 3 2005	99%	99%	99%
BMCW CY 2006 (YTD)	97%		

Between January and June 2006, 97% (168) of all reports (173) were assigned to an independent investigator within three business days.

Timeliness of the independent investigative agency in completing the independent investigation

I.C.4. The determination required by section 48.981(3)(c)4. of the Wisconsin Statutes must be made within 60 days of receipt of the referral by the independent investigation agency in at least the following percentages of independent investigations referred by BMCW.

Monitor Only

Actual performance January – June 2006: 100%

Timeliness in completing independent investigation

	Jan	Feb	Mar	Apr	May	Jun	YTD
Total number of determinations due to be completed for the period	24	28	25	23	17	29	146
Number of determinations completed within 60 business days during the period	24	28	25	23	17	29	146
Percentage of investigations completed within 60 days ...	100%	100%	100%	100%	100%	100%	100%

Semi-annual and annual performance

	January - June	July - December	YTD
BMCW Period 1 2003	97%	98%	98%
BMCW Period 2 2004	99%	98%	98%
BMCW Period 3 2005	100%	99%	99%
BMCW CY 2006 (YTD)	100%		

Of the 146 Independent Investigations completed during the period, 146 (100%) were completed within 60 days of receipt of referral.

Face-to-face contact - expected performance levels

I.D.3. By January 1, 2003, and thereafter for the duration of this agreement, BMCW will include a contract holdback provision in its BMCW Site case management contracts for each BMCW case management Site that will impose a sufficient holdback on each Site that does not meet 90% compliance with monthly face-to-face visits of children in BMCW custody by their case manager.

The ongoing case management contract for each region identifies a performance incentive for achieving the BMCW performance standard of 95% compliance with monthly face-to-face visits.

Face-to-face contact by region performance levels

I.D.4. BMCW will enforce the monthly face-to-face visit holdback provisions in case of noncompliance for months beginning with July 2003.

Monitor Only

Actual performance January – June 2006: 97.1%

Face-to-face contact by ongoing case manager by region

	Region 1 (CFCP)	Region 2 (CFCP)	Region 3 (La Causa)	Monthly BMCW
January	96%	98%	98%	98%
February	95%	97%	97%	97%
March	97%	96%	98%	97%
April	97%	98%	98%	98%
May	97%	98%	99%	98%
June	97%	95%	97%	97%

Semi-annual and annual performance

	January to June	July to December	YTD
BMCW Period 1 2003	84%	96%	90%
BMCW Period 2 2004	97%	97%	97%
BMCW Period 3 2005	97%	97%	97%
BMCW CY 2006 (YTD)	97%		

The tables below provide additional region specific information regarding monthly face-to-face contact January 1, 2006 – June 30, 2006:

Additional information regarding face-to-face contact

Region 1 CFCP	Total number of children without documented contact	Number of children with a face-to-face visit	Compliance percentage for month	Compliance percentage YTD
January	24	943	97.5%	97.5%
February	44	908	95.2%	96.5%
March	33	927	96.5%	96.5%
April	25	918	97.3%	96.7%
May	24	889	97.3%	96.8%
June	28	871	96.8%	96.8%

Region 2 CFCP	Total number of children without documented contact	Number of children with a face-to-face visit	Compliance percentage for month	Compliance percentage YTD
January	18	978	98.2%	98.2%
February	28	994	97.3%	97.7%
March	39	1002	96.3%	97.2%
April	21	1002	97.9%	97.4%
May	22	1000	97.8%	97.5%
June	51	986	95.1%	97.1%

Region 3 La Causa	Total number of children without documented contact	Number of children with a face-to-face visit	Compliance percentage for month	Compliance percentage YTD
January	18	843	97.9%	97.9%
February	25	813	97.0%	97.5%
March	21	816	97.5%	97.5%
April	20	828	97.6%	97.5%
May	11	830	98.7%	97.8%
June	29	796	96.5%	97.5%

BMCW	Total number of children without documented contact	Number of children with a face-to-face visit	Compliance percentage for month	Compliance percentage YTD
January	60	2764	97.9%	97.9%
February	97	2715	96.6%	97.2%
March	93	2745	96.7%	97.0%
April	66	2748	97.7%	97.2%
May	57	2719	97.9%	97.3%
June	108	2653	96.1%	97.1%

NOTE: During any given month, on average, there may be several hundred children who are not part of the universe (or computation of data) of children included for face-to-face contact. This group includes, but is not limited to, children who reside in an out-of-state placement (children placed in other states are seen by the local agency in that state/jurisdiction), children in non-contiguous counties (supervised by that county), or children who may be on an extended vacation with their foster family (for the duration of the month). It also includes children under the jurisdiction of other states who, for the best interest of the child, live in Milwaukee County. The BMCW provides courtesy supervision for these children.